

Categorization of Offenses

Form 1 General Offense Matrix

This list categorizes all felony offenses and class A misdemeanor sex offenses to help determine the appropriate crime category column on the guidelines matrices. Felony offenses on the general matrix (Form 1), which does not include sex offenses, are categorized as either *death*, *person*, or *other*. Offenses actually resulting in the death of the victim have been classified as *death*. Violent offenses have been classified as *person*. This category includes, but is not necessarily limited to, offenses which result in physical injury to the victim, offenses which place the victim in fear, and several offenses involving threats to the victim. All other offenses including drug offenses, property offenses, and offenses against public order have been classified as *other*. An attempt was made to categorize these offenses in a way that would be consistent with the philosophy of the 1998 Sentencing & Release Guidelines.

To find the appropriate crime category column on the general matrix (Form 1), first determine the degree of the offense (1st degree, 2nd degree, or 3rd degree) by referring to the judgment and commitment order or other official court document. Then, look on this list to determine whether the offense is categorized as *death*, *person* or *other*. For convenience, the listings are available sequentially by the code citation or alphabetized by crime description.

Form 2 Sex Offender Matrix

Sex offenses are categorized by a letter, A through J, which corresponds with the appropriate crime category column on the sex offender matrix (Form 2). To find the appropriate crime category column on the sex offender matrix, simply find the column letter matching the letter indicated on this list.

Unlike the categorization listing for general offenses, the sex offense category listing provides the specific column on the matrix, not simply the general category (*death*, *person*, or *other*). Therefore, the sex offender category listing is more specific than the general listing and includes inchoate offenses: attempt, conspiracy, and solicitation. Ordinarily, inchoate offenses are penalized at one level lower than the completed offense, e.g., 2nd degree felony *Forcible Sexual Abuse* is lowered to 3rd degree felony *Attempted Forcible Sexual Abuse*. See Utah Code Ann. § 76-4-102. However, within the sex offenses there are a number of exceptions to this general rule. For example, *Rape of a Child* is a 1st degree felony with mandatory prison and indeterminate ranges of 6, 10, or 15 years to life. *Attempted Rape of a Child* is not a 2nd degree felony; rather it is a 1st degree felony with mandatory prison and an indeterminate range of 3 years to life. *Conspiracy to Commit Rape of a Child*, on the other hand, is a 1st degree felony with no mandatory prison and indeterminate range of 3 years to life while *Solicitation to Commit Rape of a Child* is a 2nd degree felony with no mandatory prison and an indeterminate range of 1 to 15 years. Due to these distinctions between some sex offenses, regularly refer to the following listing to assure that the correct crime category column is used when calculating the guidelines recommendation.